

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AGROS SHIPPING CO. LTD.,

§

Plaintiff,

§

v.

§

CEYLON PETROLEUM
CORPORATION,

§

Civil Action No. 4:19-CV-1364

Defendant.

§

IN ADMIRALTY

§

§

**ANSWER OF GARNISHEE BP AMERICA INC.
TO PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT**

Pursuant to Supplemental Rules of Admiralty B and E, and in addition to all other Federal Rules of Civil Procedure, and to Plaintiff's agreement to extend the answer deadline to August 19, 2019 (ECF No. 19), Garnishee BP America Inc. ("BP") files this Verified Answer to Plaintiff's Process of Maritime Attachment and Garnishment ("Process") and asserts as follows:

1. As of the date of service of the Process on BP, based upon a search of its records as it keeps them in its ordinary course of business, BP did not possess within the Southern District of Texas any property, tangible or intangible, payable to, held on behalf of, or to the order or for the benefit of Ceylon Petroleum Corporation.

2. Based on the foregoing, BP respectfully request that this Court vacate with prejudice the Process of Maritime Attachment and Garnishment in its entirety as to BP. *Geneve Butane, Inc. v. Nat'l Oil Corp.*, CV H-12-2205, 2012 WL 12863889, at *2 (S.D. Tex. Nov. 7, 2012) (J. Atlas), aff'd, 551 Fed. Appx. 185 (5th Cir. 2014).

DATED: August 19, 2019

Respectfully submitted,

By: /s/ Connell C. Hess

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ATTORNEYS FOR BP AMERICA INC.

CERTIFICATE OF SERVICE

I certify that on August 19, 2019, a true and correct copy of the foregoing Objections and Responses of Non-Party BP America Inc. were served by electronic mail and U.S. certified mail, return receipt requested, on counsel issuing the subpoena, as follows:

CHALOS & Co, P.C.

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Attorneys for Plaintiff Agros Shipping Co. Ltd.

VERIFICATION

I, William Noble, being first duly sworn, depose and state that I am the General Counsel for BP America Inc. and am duly authorized to verify the foregoing Answer of Garnishee BP America Inc. To Process Of Maritime Attachment and Garnishment. I am verifying these answers based solely upon my position as the General Counsel of BP America Inc. There is no single officer at BP America Inc. that has personal knowledge of all the facts and matters relating to this case, and none of the facts and matters set forth in these answers are within my personal knowledge. The facts and matters set forth therein have been assembled from various sources of information under the direction of the Legal Department with assistance from retained counsel, and I am informed that the facts and matters set forth therein are true and correct as stated.

Under penalties provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

FURTHER AFFIANT SAYETH NAUGHT.

BP America Inc.

WTNoble

William Noble

Subscribed and sworn before me on
this 19th day of August, 2019.

Kelly Pritchard
Notary Public

My Commission expires:

February 1, 2020

